

* E-filed 11/5/07 *

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

3M COMPANY,

Plaintiff,

v.

MAURICE KANBAR, MK ENTERPRISES,
INC., ROLLIT, LLC, AND REX PRODUCTS,
INC.,

Defendants.

Case No. CV 06-01225 JW (HRL)

**ORDER GRANTING IN PART AND
DENYING IN PART MOTIONS TO FILE
DOCUMENTS UNDER SEAL**

Re: Docket Nos. 124, 136

Pursuant to Local Rule 79-5 and 7-11, both parties move to file under seal Defendants' Unredacted Memorandum of Points and Authorities (Docket No. 128) in Opposition to Plaintiff's Motion for a Protective Order on 30(b)(6) Deposition Topics and the following exhibits to the Landry Declaration in Support of the same (Docket No. 129):

1. Exhibit G (Plaintiff's Supplemental Response to Interrogatories)
2. Exhibit H (Settlement Agreements)
3. Exhibit L (3M internal e-mails)
4. Exhibit N (Audits performed by 3M)

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1 Defendants oppose the designation of Exhibits G and L, arguing that 3M has made
2 public the allegedly confidential aspect of Exhibit G (the range of colors) and that Exhibit L is
3 over ten years old and no longer requires protection.

4 In response, Plaintiff declares that Exhibit H contains sensitive settlement terms. It
5 further declares that Exhibit N contains sensitive commercial and business information,
6 including confidential research reports. The court agrees with the Plaintiff on these points and
7 GRANTS the motion with respect to these exhibits. Furthermore, because the unredacted
8 Memorandum refers to those documents, it too, is properly designated to be filed under seal.

9 With respect to Exhibit L, the court agrees with Plaintiff that the ten year constraint is
10 not applicable in this situation. This document contains confidential and sensitive business
11 information and should be filed under seal.

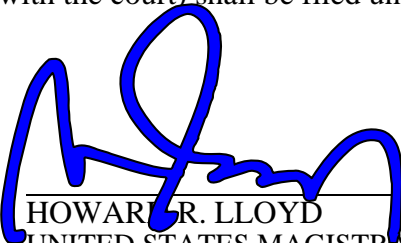
12 Finally, Plaintiff's declaration includes correspondence between the parties over the de-
13 designation of certain Interrogatory Responses contained in Exhibit G. Plaintiff agreed to do so
14 for all responses except for those to Interrogatory Nos. 9, 10, 12, 13, and 17. The declaration
15 sets forth Plaintiff's reasons for maintaining these responses as confidential.

16 Accordingly, the Court orders as follows:

- 17 • The Unredacted version of Docket No. 128 (Defendants' Memorandum of Points
18 and Authorities in Opposition) shall be filed under seal.
- 19 • Exhibits H, L, and N to the Landry Declaration in Support of Defendants'
20 Opposition (Docket No. 129) shall be filed under seal.
- 21 • Defendants shall resubmit (for filing in the public record) Exhibit G with the
22 responses to Interrogatory Nos. 9, 10, 12, 13, and 17 redacted. The unredacted
23 version of Exhibit G (currently lodged with the court) shall be filed under seal.

24 **IT IS SO ORDERED.**

25
26 Dated: 11/2/07



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

THIS SHALL CERTIFY THAT A COPY OF THIS ORDER WILL BE SENT TO:

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* Counsel are responsible for providing copies of this order to co-counsel.

Dated: 11/5/2007

/s/ KRO
Chambers of Magistrate Judge Lloyd